

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
STAR BUILDERS, INC.,

Plaintiff,

NOTICE OF REMOVAL

- against -

PELEUS INSURANCE COMPANY,

Defendant.
-----X

PLEASE TAKE NOTICE that Defendant, Peleus Insurance Company (“Peleus”), by and through its undersigned counsel, hereby removes the above-captioned proceeding to the United States District Court for the Eastern District of New York from the Supreme Court of the State of New York (Queens County), where the proceeding is now pending, pursuant to 28 U.S.C. §§ 1332 and 1441(a) and (b). Defendant appears for the purpose of removal only and for no other purposes, reserve all defenses and rights available to them, and state:

1. This action is removable pursuant to 28 U.S.C. §§ 1332 and 1441(a) and (b), on the grounds that this Court has original diversity jurisdiction and the amount in controversy exceeds \$75,000.
2. On or about March 7, 2022, Plaintiff, Star Builders, Inc. (“Star”) filed a Summons with Notice in the Supreme Court, Queens County. A copy of the Summons with Notice is annexed hereto as Exhibit “A.”
3. On or about May 19, 2022, the Summons with Notice in the above-captioned action was served upon the defendant, Peleus, by service upon Peleus’ agent for service within the State of New York of a copy of the Summons with Notice. A copy of the Notice of Service of Process

is annexed hereto as Exhibit “B” and a copy of the Affidavit of Service filed with the Clerk of the Supreme Court is annexed hereto as Exhibit “C”.

4. Pursuant to 28 U.S.C. § 1446(a), defendant attaches hereto as Exhibit “D” all “processes, pleadings and orders” either filed with the State Court and/or served upon Peleus in this action to date. There are no pending actions or proceedings in the State Court action.

5. Upon information and belief, at the time of the commencement of this action, plaintiff, Star, was a business is a New York corporation with a principal place of business in Flushing, New York.

6. At the time of the commencement of this action, defendant, Peleus, was organized under the laws of Virginia with a principal place of business in Richmond, Virginia.

7. The Summons with Notice seeks declaratory relief pursuant to New York Civil Practice Law & Rules § 3001 concerning Peleus’ alleged insurance obligations to Star for a personal injury action pending in New York County Supreme Court. As Plaintiff seeks declaratory relief and the recovery of both attorneys’ fees and costs to defend the underlying personal injury action and damages awarded against it in the underlying action, the amount in controversy exceeds \$75,000, pursuant to 28 U.S.C. § 1446(c)(2)(A).

8. This Notice of Removal is being filed within thirty (30) days after receipt by defendant of the Summons with Notice and is therefore timely filed pursuant to 28 U.S.C. § 1446(b).


9. Pursuant to 28 U.S.C. §§ 1446(d), written notice of the filing of this notice of removal will be served promptly upon Plaintiff and, together with a copy of the Notice of Removal, will be filed with the Clerk of the Supreme Court of the State of New York in the County of Queens.

10. Defendant expressly reserves any and all defenses which may be available to it in this action.

WHEREFORE, Defendant Peleus Insurance Company respectfully submits that this case is now properly removed from the Supreme Court of the State of New York (Queens County) and is properly before this court, and that all further actions take place before this Court.

Dated: Garden City, New York
June 16, 2022

FARBER BROCKS & ZANE L.L.P.

By: 
JOSEPH K. POE (JP 1960)
Attorneys for Defendant
PELEUS INSURANCE COMPANY
400 Garden City Plaza, Ste 100
Garden City, NY 11530
(516) 739-5100
File No.: 640-12098

TO:

KING L. WU & ASSOCIATES, P.C.
Attorneys for Plaintiff
38-08 Union Street, Suite 10F
Flushing, NY 11354
(718) 888-0618